

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

CENTURY SERVICES LP

PLAINTIFF

VS.

CIVIL ACTION NO. 5:09-cv-117(DCB)(JMR)

TUG KRISTIN LEE HANNAH

(Ex DAVID E)

IN REM

DEFENDANT

UPPER MISSISSIPPI FLEETING, LLC

INTERVENOR PLAINTIFF

ORDER DENYING MOTION FOR DEFAULT JUDGMENT

This cause is before the Court on the intervenor plaintiff Upper Mississippi Fleeting, LLC ("UMF")'s motion for default judgment (**docket entry 42**). Having carefully considered the motion, as well as the response of the plaintiff Century Services LP, the Court finds as follows:

UMF filed its Intervening Complaint in this action, asserting a salvage lien, including contract salvage, which is a preferred maritime lien, against the M/V KRISTEN LEE HANNAH ("M/V KLH"). The M/V KLH did not answer or otherwise defend the Intervening Complaint. UMF moved for default, requesting the Court to enter a lien against the M/V KLH for salvage in the amount of \$102,947.23, plus prejudgment interest. In response to UMF's motion, Century Services stated that the Clerk of Court had not entered a default and that the motion was procedurally deficient. In addition, the motion should be denied as moot because UMF subsequently transferred its interest in the salvage claim to Century Services,

and sale of the M/V KLH has taken place. See Stipulation and Agreement of July 28, 2010; Bill of Sale of August 4, 2010; Order Granting Disbursement of Funds of August 12, 2010. Accordingly,

IT IS HEREBY ORDERED that the intervenor plaintiff Upper Mississippi Fleeting, LLC ("UMF")'s motion for default judgment (**docket entry 42**) is DENIED.

SO ORDERED, this the 28th day of September, 2010.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE